

III. REMARKS

1. Claims 1, 4-6, and 9-19 are amended. Claims 20-25 are new.
2. Claims 1-10, 12-15 and 18-19 are not anticipated by Silver et al. ("Silver") under 35 U.S.C. §102(e).

Claim 1 recites that for implementing the communications required for positioning, the network element is configured for both circuit-switched and packet-switched messages. There is no disclosure in Silver of a network element handling both circuit-switched and packet switched positioning signaling messages.

Applicant's claim also recites that an association is established to transfer data related to positioning between packet-switch and circuit-switch functionality and that a "circuit-switched" connection is used between the network element and a location centre. Silver does not disclose or suggest a circuit-switched connection from a location center to a network element, where the network element is configured to handle both circuit-switched and packet-switched messages.

As reflected in Applicant's specification, the core network includes a Gateway Mobile Location Center (GMLC). (pg. 13, lines 32-33; FIG. 1D). The location center provides location service to an external client. (pg. 14, lines 1-2).

The location center (SMLC; FIG. 4) receives a location request message and carries out the location request using the desired method. (p. 19, lines 21-23). The SMLC can communicate in the MS direction through the base controller. (p. 19, lines 24-25). The base station controller communicates with the SMLC location server 505 using the circuit-switched protocol stack 503. (p. 20, lines 15-19).

Silver does not disclose or suggest a the use of a circuit-switched connection between a location center and a **network element configured for both circuit-switched and packet-switched functionality** as is claimed by Applicant. Silver discloses that a

tunneled page message is forwarded from the Serving GPRS Support Node (SGSN) 121 to the base station subsystem 125. A message, bearing location information data, is transmitted by the packet-switched network gateway 113B. The "location information" represents the approximate location of the MT 130. (Col. 8, lines 31-38). This is not the same as the location centre claimed by Applicant, which provides actual positioning, and thus the claim is not anticipated.

Applicant's claims are directed at "positioning" a subscriber terminal. No such teaching is found in Silver, because in Silver, the MT 130 indicates its presence when handing off to or registering with a new BSS. (Col. 7, lines 23-24). This location information is stored by SGSN 121 in a look-up table or database. (Col. 7, lines 26-28). If MT 130 moves, the location data is updated by the SGSN 121. (Col. 7, lines 32-35). The data network 120 will "maintain" and "store" the location information. (Col. 7, lines 38-40).

To expedite call setup, the SGSN 121 provides the MSC 112 "**approximate location**" information of a MT. (Col. 7, lines 57-60). Applicant's claims are directed to "positioning", which will provide more exact results on the position of a mobile station. Silver can only provide an "approximate location" or position. (See also, Col. 8, lines 6-17).

While Silver may "involve" both circuit-switched and packet-switched networks as suggested by the Examiner, there is no disclosure in Silver related to a "network element" of a mobile telephone network that is configured for "both" circuit-switched and packet-switched messages.

Thus, claims 1, 12 and 18 are not anticipated by Silver. Claims 2-11, 13-17 and 19 are allowable at least by reason of their dependencies.

3. Claim 16 is allowable over Silver and Sugirtharaj at least by reason of its dependency.



For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1540 is enclosed for the RCE fee, a petition for a two-month extension of time (Notice of Appeal February 22, 2006) and five additional dependent claims. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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15 June 2006

Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature: Shannon D'Amico
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